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**PDF PAGE 1, COLUMNS 1,  
3, & 7**

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**PDF PAGE 1, COLUMN 1**

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**FISHER UNDER THIRD  
DEGREE**

**SHIRLEY'S  
ACCUSER IN CELL**

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**PDF PAGE 1, COLUMN 3**

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**FLASHLIGHT AT THE POLICE  
STATION  
OF MYSTERIOUS WITNESS  
PRINCIPALS**

J. C. Shirley,  
the merchant  
named by  
Fisher as  
Mary Phagan's  
slayer.

On the left  
I. W. Fisher,  
The "mystery  
witness" is  
Seen facing  
Chief of  
Detectives  
Lanford.

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**PDF PAGE 1, COLUMN 7**

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# **DETECTIVES SEEK TO REVEAL PLOT AGAINST FURNITURE MERCHANT**

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Police, Tuesday, considered the exoneration of J. C. Shirley complete. Charles J. Graham, attorney for the man accused by Ira W. Fisher of the murder of Mary Phagan, and that was as yet undecided whether Fisher's accusations were the ravings of a diseased and dope-steeped mind or the first evidence of a deep-laid plot with Fisher as the tool.

Two prominent Atlanta men and one Birmingham man are threatened with arrest on charges of conspiracy. A searching investigation by Chief Lanford and Attorney Graham will decide whether this move will be taken. Graham said Tuesday that would

make a decision as soon as reports had been made to him on certain rumors that had come to his ears.

Shirley said that he either would put Fisher in the asylum or in the penitentiary. He will bring his books to the police Tuesday to show a complete alibi. Lanford has instituted an investigation of the charges of conspiracy and will make arrests at once if he finds them substantiated. Two of the men named in the alleged conspiracy have been identified with the Frank case. The other one is known to have been with Fisher in Birmingham.

It was pointed out by Chief Lanford Tuesday that were Fisher's story true in every particular, there is nothing in it to connect Shirley with the murder of Mary Phagan. The name that Fisher said Shirley mentioned as that of the girl he was to meet was Hattie. Shirley asserts that he never even knew Mary Phagan by sight.

### **Fisher Locked Up.**

Fisher was put under arrest at the police station on the charge of criminal libel, the complaint being sworn to by Russell Shirley, a brother of J. C. Shirley. Short shrift was given him after he had repeated his weird story Monday night in the presence of the man he accuses.

The warrant had already been made out and as soon as it became apparent that Fisher, said by some to be an irresponsible drunkard and dope fiend, was going to stick by his story, Chief of Detectives Lanford gave the paper to Detective John W. Starnes and Fisher was locked up.

Fisher underwent a searching examination that lasted more than three hours. His detailed story first was taken by G. C. February, secretary to Chief Lanford. Little effort was made at this time to cross-examine him, the purpose being to get his story together as he originally had told it so that every feature might later be investigated with a view of disproving or substantiating it.

### **Visits Places He Names.**

Chief Langford and Detectives Starnes and Coker then put Fisher through a severe questioning and he then was taken out in the police automobile to visit several of the places he said he had been with Shirley on the day of the crime. While he was gone Shirley, at the request of Chief Lanford, came to the police station. Shirley went into the chief's office. As soon as Fisher came back he was hustled without any warning right into the room. Standing before him was the man he accused.

Fisher was taken aback for an instant, but recovered himself at once. He was placed in a chair near the chief and the questioning was resumed, Chief Lanford, Charles J. Graham, attorney for Shirley; Russell Shirley and the accused man himself took turns in firing questions at the stolid figure in the chair. Aside from a nervous movement in the chair. Aside from a nervous movement of his hands, and a frequent stroking of his face on which there was a four days' growth of beard, he showed no sign that he was disturbed by the unusual position in which he found himself.

Because of the positive statements contained in the first announcement of Fisher's story and the terrible charge against Shirley that was implied in its words, some possibility existed that Shirley might be held at the police station until the story had been investigated.

So many glaring improbabilities and conflicts, however, crept into the man's narrative that Chief Lanford declared that he couldn't think of holding Shirley on the strength of Fisher's story, which he branded as manifestly impossible.

### **Dresser Never Delivered.**

The trip to No. 132 Bellwood Avenue developed one of the reasons for disbelief in Fisher's statement. Mrs. William Holloway lives here. Fisher said that he went in a wagon with Shirley to this house the morning of April 28 to deliver a dresser. When the officers and Fisher drove up to the house Monday night, Mrs. Holloway declared that Fisher and Shirley never had delivered

anything there, and that she had not bought a dresser for years. This blow to his tale did not daunt Fisher in the least. He still stuck to his assertion that they went there that morning and delivered the furniture.

Another of his statements which gave tangible cause for disbelief was that he had seen no crowd on the streets April 26, which was Memorial Day, either while he was waiting at Marietta and Forsyth streets from about 1 until 3 o'clock in the afternoon or while he and Shirley, according to his story, were driving across Peachtree Street and down Decatur street and then to the Union Station.

He said that he noticed no crowd on the streets at all other than would naturally be on any Saturday afternoon. The progress of his wagon never was stopped at any time he was driving from one place to another. It is claimed that this alone brands his story as ridiculous, as there were large crowds on the street.

Still another discrepancy which the police say is in his story is that he first said that he met C. W. Burke, agent for Attorney Luther Rosser, on Friday night in Birmingham. Before the detectives he declared that the first time he saw Burke was last Saturday night when Burke met him on the street and brought him to Atlanta. Burke also is declared to have said that he met Fisher first on Friday night.

Fisher was questioned very closely about who had talked to him in Luther Rosser's office. He said that

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**PDF PAGE 7, COLUMN 1**

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# **FISHER STICKS TO STORY**

# UNDER FIERCE GRILLING OF LAWYER AND POLICE

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**Continued From Page 1.**

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Rosser and Reuben Arnold had not talked to him at all, but that Burke had done most of the examination. They told me up there that I would have a hard time down here if the detectives got hold of me," he naively told Langford.

Fisher gave all of his replies in a calm, almost disinterested voice. When he charged Shirley with going to the pencil factory to meet Mary Phagan he jeered his thumb carelessly toward Shirley who sat the other side of a table.

"You did it; you know you did it," he said to Shirley.

"You lie, you skunk; you know d—well you lie!" retorted Shirley, and he started from his chair in a menacing manner. Detectives grabbed Shirley and averted a fight."

This dramatic scene was enacted when Shirley was brought to headquarters to face his accuser. Quiet was restored and Fisher was ordered to tell his story in the furniture man's presence.

"The Saturday of the murder Shirley and I drove down to Broad and Marietta streets in his wagon. We had delivered a bureau to a Mrs. Holloway on Bellwood avenue. We stopped near

the corner and Shirley said he wanted me to hold the horse while he went to the pencil factory, where he had a date, he said, with 'Hattie,' the pet name for Mary Phagan." Fisher paused and Shirley was on his feet in an instant.

### **Called "Liar and Bum."**

You're a measly liar and I'll prove it, you drunken 'bum,'" shouted Shirley, his eyes lighting up with a dangerous fire. "Why don't you tell the truth and quit lying?" Shirley, half mad with rage, was almost dragged into his chair by Charley Graham, his attorney.

Fisher was told to continue.

"I waited about an hour and a half for Shirley," started the man again, his eyes roaming about the room, as though in search for a place he could look where no eyes would catch his gaze. "He got back between 2:30 and 3 o'clock."

"'I've played hell in general,' he said to me. Then he said I had better get out of town."

Fisher again paused, and looking Shirley straight in the eyes for the first time, said:

"That's straight. Mr. Shirley, and if you'll tell the truth you'll admit it."

Once more Shirley arose in a threatening attitude, but took his seat again.

"I didn't want to get out of town and told Shirley so, but he threatened me and said I would have to get out. We drove to the Union Depot and he purchased me a ticket for Ellijay. He gave me \$25. He went in the car with me and left me. If I hadn't have been afraid of him I wouldn't have gone away. I stayed in Ellijay two weeks then came back to Atlanta.

### **Tells of Threats.**

"I stayed here two weeks then went to Copper Hill, Tenn., because Shirley wanted me to and because he threatened me. You know you threatened me Shirley—you know you did," and the strange man shook his head in a dogged manner."

"Shirley sent me some letters with money in them. Two he sent contained \$25 each. Another one contained \$8."

"I've told the truth and it'd all come out sooner or later," declared Fisher with the air of a philosopher.

Efforts to shake the mans' story were without results. He would answer most any question in an unconcerned way and refused to be tangled up by the questions put to him by Graham, the chief and by reporters.

"You are telling a most wondrous tale," said Graham, "but you had better tell the truth before you get sent to jail for criminal libel."

### **Denies Using Drugs.**

"I know what libel is retorted Fisher, "and you can't send a man to prison for telling the truth."

"What Kind of dope do you use, morphine or cocaine?" someone "shot" at him.

"None," said Fisher.

"You look like you did," said one of the detectives.

"That's because I need a drink—got one?" he replied.

And undoubtedly, he did need one.

He had been given all the whisky he wanted while in the hands of the attorneys, and was reluctant to leave such a nice abode. His face needed a hour's work by a barber and a bath would not have harmed him.

### **Chummy or Rummy?**



Fisher said that while in Parksville he met a man by the name of Joe Hicks, who was employed on the rail road with him and that they became quite “chummy.”

“You mean ‘rummy,’ don’t you, Fisher?” interposed Shirley’s brother.

Fisher went on to say that Hicks went to Birmingham with him some weeks ago and that they had stayed together there. Hicks, he said, was the first person he ever told the story of his movements on the day of the murder of Mary Phagan. He never even had told his wife.

“You know that all she wants is to keep me in jail, don’t you?” he asked, addressing the Shirley brothers.

“Well, I just let drop a hint or two at first. I told him that they didn’t have the murderer of Mary Phagan and that I knew who the real murderer was. He told me that I ought to tell if I knew. Then I went on to tell him the whole thing just as I have told it here. After he had kept telling me that I ought not to let an innocent man hang, it just kind of got on my conscience. Finally, he went with me Friday to Chief Bodeker’s office and we told the whole thing.”

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“Who did the most talking?” inquired Chief Lanford.

“Why, I guess Hicks did,” said Fisher.

After the questioning of Fisher was over, Lanford said.

### **Search for Conspiracy.**

“We are going to get at the bottom of this. It may be that Fisher has been paid money, but I am going to investigate the possibility that it was someone else and not Shirley that paid it to him. If there is any conspiracy against Shirley or in behalf of anyone else, the detective department proposes to find it out if possible. Fisher has absolutely no evidence that money was sent him. He has no envelopes from Shirley. He says he tore them up. He says the letters were not registered, and he says that all of the money was sent in cash. Altogether it is the most ridiculous story I ever listened to.”

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## **PDF PAGE 2, COLUMNS 1, 5, & 7**

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### **FISHER ‘PLOT’ GOES TO GRAND JURY**

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**MRS. PANKHURST, AS  
SHE ARRIVED IN U.  
S.**

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Mrs. Emmeline Pankhurst, leader of the English militant

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suffragettes, snapped on the ship just before she landed at Ellis Island, where she was detained until she won her appeal.

# **DORSEY TO BE ASKED TO AID IN UNEARTHING PLOT AGAINST SHIRLEY**

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Solicitor Dorsey shortly before noon made public a mass of affidavits upholding Jurors Johnenning and Henslee who were

accused of bias in charges filed by the defense in the fight for a new trial for Leo Frank.

The affidavits included statements from fellow jurors declaring that the two men had expressed no opinion on the merits of the case while the trial was in progress. They also included statements upholding the character of the men.

That the County Grand Jury will be asked to investigate the origin of the accusation of Ira W. Fisher was the statement made by C. J. Graham, attorney for J. C. Shirley, the furniture dealer named by the new Phagan "witness" Tuesday.

This action was decided upon following a lengthy conference between Shirley, Graham and Chief of Detectives Lanford. Its purpose will be to determine whether Fisher's story was the result of a conspiracy against Shirley or simply the result of a drink-crazed mind.

A rigid probe to the foundation of the story will be asked. Persons named by Fisher as his associates since his departure from Atlanta will be questioned, especially those with whom he had dealings just prior to the time he appeared before Chief of Police Bodeker in Birmingham and made his startling statements.

If the investigation shows that others had a hand in the accusation against the furniture dealer, they will be prosecuted together with Fisher on a conspiracy charge. Many believe that this will prove the fact.

## ***Conference With Dorsey***

Attorney Graham stated that he would have a conference with Solicitor Dorsey later in the day and an early date for the Grand Jury probe would be fixed.

Two Atlanta men and one Birmingham man are threatened with arrest on charges of conspiracy. A searching investigation by Chief Lanford and Attorney Graham will decide whether this move will be taken. Graham said Tuesday that he would make a

decision as soon as reports had been made to him on certain rumors that had come to his ears.

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## **PDF PAGE 8, COLUMN 1**

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**Continued From Page 1.**

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"None," said Fisher.

"You look like you did," said one of the detectives.

"That's because I need a drink—got one?" he replied.

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**PDF PAGE 3, COLUMNS 1,  
3, & 5**

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**PDF PAGE 3, COLUMN 1**

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**POLICE HUNT FISHER'S  
'ACCOMPLICE'**

***Thirty Affidavits Against New  
Frank Trial***

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**PDF PAGE 3, COLUMN 3**

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**TWO  
JURORS  
DEFENDE  
D**

# OF BIAS

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## **Probity of Henslee and Johen- ning Upheld— Influence of Cheering on Jury Denied**

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Some 30 affidavits to support the State's contention that Leo M. Frank had a fair trial were made public Tuesday by Solicitor Dorsey. They will be used Wednesday in the fight against the defense's motion for a new trial before Judge L. S. Roan.

Some of the affidavits defend the probity and character of A. H. Henslee and M. Johenning, jurors who were accused of bias; some attack the trustworthiness of affiants for the defense, and others assert that no influence could have been exerted on the jury by the "cheering" and "demonstrations" on which the defense is basing much of its theme of appeal.

Samuel Aaron, whose affidavit was quoted as attacking the sincerity of Juror Henslee, was himself attacked by T. M. Webb, whose impeachment was in the usual form, that he would not believe Aaron on his oath, having known him many years.

### **Calls Neill Bad Character.**

W. P. Neill, the defense's affiant, who stated he saw a spectator "talk one of the jurors and grab him by the hand," is referred to in the affidavit of W. J. Clayton, of the Central Carriage Company, as of bad character and one whom Clayton would not believe under oath.

Plennie Miner, Deputy Sheriff, also refers to the affidavit of Neill. He states, under oath, that one day in the courtroom he thought he saw a spectator say something to a juror, without rising, or touching him, or making any other gesture. He (Miner) at once went to the spectator, in order to take him before the judge, but the man denied having addressed any juror, and another man, sitting next him, also assured Miner that his companion had not spoken to any juror, so the deputy let the incident close.

T. S. Hawes, of Bainbridge, Ga., impeached R. G. Gremmer, stating that he had known the defense's affiant twenty years and that he would not believe him under oath.

### **Time Element Enters.**

In the interval of preparing the affidavits Mr. Dorsey stated that he fancied those affiants who had sworn to hearing Henslee say Barnesville "some time in June" that he had been drawn on the jury would be puzzled on hearing that Henslee, as a matter of fact, did not know himself that he was drawn on the jury until Friday, June 25, at 5 o'clock in the afternoon; that he remained in Atlanta Saturday and Sunday, and did not start for home until Monday.

The Solicitor evidently had been calculating on the various dates on which Henslee might have been charged with saying he

was “on the Frank jury,” but what deductions he had made would have to appear later.

For the rest of the prosecution’s affidavits, Henslee praised Johenning as a juror without bias or prejudice: Johenning praised Henslee in similar terms, and J. T. Ozburn, F. E. Winburn, W. F. Medcalf, W. M. Jeffries, D. Townsend and A. L. Wisley, fellow jurors, commended both Henslee and Johenning as high-minded examples of justice and moderation.

### **Henslee Doubtful of Guilt.**

It was the invariable testimony of his fellow jurors that Henslee was the only juror to cast a “doubtful” ballot, indicating that he was the most reluctant to make up his mind on what all the rest of the jurors seemed to have agreed on.

There was much testimony in regard to the cheering and “demonstrations,” attending to show that the

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**Continued on Page 4, Column 1.**

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**PDF PAGE 18, COLUMN 1**

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**AFFIDAVITS  
HIT**

# **FRANK'S PLEA FOR RETRIAL**

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**Thirty Witnesses Swear  
to Good**

**Character of Accused  
Jurors**

**And Deny Influence on  
Jury.**



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### **Continued From Page 1.**

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only cheering recognized as such was heard in open court, until the last day of the trial, when a burst of applause followed the reading of the verdict and was heard by the jurors as the poll was being taken.

The jurors all professed to have been utterly ignorant of any cheering except what was stated, and insisted that what they heard could not have had any effect upon their decision since it had been reached before the real cheering was heard.

#### **Heard No demonstration.**

As to the demonstrations in favor of Dorsey, there were a dozen affidavits by jurors and deputies to say that the jury was at such a distance, or in such a place, that only a confused and indistinct noise was heard. One or two of the jurors fancied at the time that there was a fight in progress somewhere.

C. F. Huber and A. F. Pennington, deputies having charge of the Frank jury, contradicted the affidavit of Samson Kay for the defense, and stated they heard no cheering or demonstration of any kind the afternoon of Friday, August 22, or after the noon hour Saturday, August 23.

Perhaps the most interesting reading in the pile was Jochenning's own account of the conversation related by Mrs. Jennie G. Lovenhart and Miss Miriam Lovenhart, in the course of which it was charged that he stated a belief in Frank's guilt.

Jochenning asserts in his affidavit that he was talking of the case with Mrs. Lovenhart and Miss Lovenhart, and they asked him what he thought of it.

"I replied that by the papers they have found him guilty already," says Jochenning, "and added that I thought Frank would have a hard time getting loose; that things didn't look very bright for him."

#### **Expressed No Opinion.**

Joehenning insists that he said no more than that, and that he entertained no fixed opinion at that time, and did not arrive at a fixed opinion until hearing the full evidence in court.

T. W. McGarity came to the support of Joehenning's character, declaring it good, and asserting he would believe him on oath. Similar affidavits, all warmly worded, were made by Dr. W. C. Robinson, O. H. Puckett and R. N. Weaver.

Quite an array of complimentary affidavits came from Barnesville to the support of A. H. Henslee. Among them were those of W. H. Howard, J. C. Collier, T. W. Cochran, P. K. Gordy, J. E. Howard and C. O. Summers, J. D. Lochridge, formerly of Douglas, Ga. Professed to know the juror well and favorably.

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## **PDF PAGE 3, COLUMN 6**

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# **MAN HIGHER UP IS MENTIONED IN SUSPECTED PLOT AGAINST SHIRLEY**

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A search extending over two States was begun by the police Tuesday in an effort to locate Joe Hicks, companion of Ira W. Fisher. Hickk is the man who accompanied Fisher to the office of Chief of Police Bodeker in Birmingham when Fisher made his weird but quickly discredited accusation of the murder of Mary Phagan against J. C. Shirley, of 809 Marietta street, Atlanta.

Chief of Detectives Lanford and Charles J. Graham, attorney for Shirley, believe that they will have disclosed the deeply laid plot against Shirley, if such a plot actually has existed, when they have forced Hicks to talk and when they have grilled Fisher in a sober condition. Threats were made yesterday that two prominent Atlantans might be arrested if any basis were found for belief in the plot theory. Later it was said that a searching investigation was being made of the possibility that a man still higher up was the moving spirit in a diabolical scheme to fasten the crime on an innocent man.

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"I think we all know all when we find this man Hicks, who Fisher says was his constant companion Parksville, and later in Birmingham," said Graham. "Hicks, played a mysterious part in the affair. Fisher himself admitted that Hicks did most of the talking when they went to the office of Chief Bodeker. Hicks appears to have told most of the story and Fisher merely corroborated it."

"There also is the possibility that Hicks suggested the story to Fisher from day to day, and finally built up in Fisher's mind the structure of the ridiculous tale he has told in Birmingham and here in Atlanta, a story which was startling enough as a simple, and direct accusation, but which broke down the instant the man was forced to give any alleged details."

### **Blackmail Is Suggested.**

"We are working on several possibilities. One is that there was a conspiracy against Shirley. If there was such a plot, it may have been engineered alone by Fisher. Hicks may have been a party to it. In this case, it was simple blackmail."

"There also is the possibility that Fisher or Fisher and Ricks were merely tools in a conspiracy and that the real conspirators are men higher up. If this is the case, Atlanta will have a sensation the like of which it has not experienced in years. On the other hand, the whole story may be simply the ravings of a drunken and besotted mind. Fisher's own relatives say that he was an extraordinary liar when in his cups."

"Ordinary conditions were reversed Tuesday. Shirley, the accused, was walking the streets a free man. Fisher, the accuser, was occupying a cell in the police station. A charge of criminal libel has been preferred against him, but there is some question

as to whether this charge can be made to stand in view of the fact that so far as is known Fisher made no written charges against Shirley. Lawyers in general have expressed themselves as believing that no charge beyond slander can be preferred against him because all of his charges were verbal."

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A rigid probe to the foundation of the story will be asked. Persons named by Fisher as his associates since his departure from Atlanta will be questioned, especially those with whom he had dealings just prior to the time he appeared before Chief of Police Bodeker in Birmingham and made his startling statements.

If the investigation shows that others had a hand in the accusations against the furniture dealer, they will be prosecuted together with Fisher

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**Continued on Page 4, Column 1.**

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## **PDF PAGE 9, COLUMN 1**

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# **FISHER STICKS TO STORY**

# **UNDER FIERCE GRILLING OF LAWYER AND POLICE**

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**Continued From Page 1.**

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on a conspiracy charge. Many believe that this will prove the fact.

Attorney Graham stated that he would have a conference with Solicitor Dorsey later in the day and an early date for the Grand Jury probe would be fixed.

Two Atlanta men and one Birmingham man are threatened with arrest on charges of conspiracy. A searching investigation by Chief Lanford and Attorney Graham will decide whether this move will be taken. Graham said Tuesday that he would make a decision as soon as reports had been made to him on certain rumors that had come to his ears.

Shirley said that he either would put Fisher in the asylum or in the penitentiary. He will bring his books to the police Tuesday to show a complete alibi. Lanford has instituted an investigation of the charges of conspiracy and you will make arrests at once finds them substantiated. Two of the men named in the alleged conspiracy have been identified with the Frank case. The other one is known to have been with Fisher in Birmingham.

It was pointed out by Chief Lanford Tuesday that were Fisher's story true in every particular, there is nothing in it to connect Shirley with the murder of Mary Phagan. The name that Fisher said Shirley mentioned as that of the girl he was to meet was Hattie. Shirley asserts that he never even knew Mary Phagan by sight.

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Fisher was put under arrest at the police station on the charge of criminal libel, the complaint being sworn to by Russell Shirley, a brother of J. C. Shirley. Short shrift was given him after he had repeated his weird story Monday night in the presence of the man he accuses.

The warrant had already been made out, and as soon as it became apparent that Fisher, said by some to be an irresponsible drunkard and dope fiend, was going to stick by his story, Chief of Detectives Lanford gave the paper to Detective John W. Starnes and Fisher was locked up.

Fisher underwent a searching examination that lasted more than three hours. His detailed story first was taken by G. C. Febuary, secretary to Chief Lanford. Little effort was made at this time to cross-examine him, the purpose being to get his story together as he originally had told it so that every feature might later be investigated with a view of disproving or substantiating it.

Chief Lanford and Detectives Starnes and Coker then put Fisher through a severe questioning and he then was taken out in the police automobile to visit several of the places he said he had been with Shirley on the day of the crime. While he was gone S the request of Chief Lanford, came to the police station. Shirley went into the chief's office. As soon as Fisher came back he was hustled without any warning right into the room. Standing before him was the man he accused.

Fisher was taken aback for an instant, but recovered himself at once. He was placed in a chair near the chief and the questioning was resumed. Chief Lanford, Charles J. Graham,

attorney for Shirley; Russell Shirley and the accused man himself took turns in firing questions at the stolid figure in the chair. Aside from a nervous movement of his hands, and a frequent stroking of his face on which there was a four days' growth of beard, he showed no sign that he was disturbed by the unusual position in which he found himself.

Because of the positive statements contained in the first announcement of Fisher's story and the terrible charge against Shirley that was implied in its words, some possibility existed that Shirley might be held at the police station until the story had been investigated.

So many glaring improbabilities and conflicts, however, crept into the man's narrative that Chief Lanford declared that he couldn't think of holding Shirley on the strength of Fisher's story, which he branded manifestly impossible.

The trip to No. 132 Bellwood Avenue developed one of the reasons for disbelief in Fisher's statement. Mrs. William Holloway lives here. Fisher said that he went in a wagon with Shirley to this house the morning of April 28 to deliver a dresser. When the officers and Fisher drove up to the house Monday night, Mrs. Holloway declared that Fisher and Shirley never had delivered anything there, and that she had not bought a dresser for years. This blow to his tale did not daunt Fisher in the least. He still stuck to his assertion that they went there that morning and delivered the furniture.

Another of his statements which gave tangible cause for disbelief was that he had seen no crowd on the streets April 26, which was Memorial Day, either while he was waiting at Marietta and Forsyth streets from about 1 until 3 o'clock in the afternoon or while he and Shirley, according to his story, were driving across Peachtree street and down Decatur street and then to the Union Station.

He said that he noticed no crowd on the streets at all other than would naturally be on any Saturday afternoon. The progress



of his wagon never was stopped at any time he was driving from one place to another. It is claimed that this alone brands his story as ridiculous, as there were large crowds on the street.

Still another discrepancy which the police say is in his story is that he first said that he met C. W. Burke, agent for Attorney Luther Rosser, on Friday night in Birmingham. Before the detectives he declared that the first time he saw Burke was last Saturday night when Burke met him on the street and brought him to Atlanta. Burke also is declared to have said that he met Fisher first on Friday night.

Fisher was questioned very closely about who had talked to him in Luther Rosser's office. He said that Rosser and Reuben Arnold had not talked to him at all, but that Burke had done most of the examination. "They told me up there that I would have a hard time down there if the detectives got hold of me," he naively told Langford.

Fisher gave all of his replies in a calm, almost disinterested voice. When he charged Shirley with going to the pencil factory to meet Mary Phagan he jeered his thumb carelessly toward Shirley who sat the other side of a table.

"You did it; you know you did it," he said to Shirley.

"You lie, you skunk; you know d—well you lie!" retorted Shirley, and he started from his chair in a menacing manner. Detectives grabbed Shirley and averted a fight."

This dramatic scene was enacted when Shirley was brought to headquarters to face his accuser. Quiet was restored and Fisher was ordered to tell his story in the furniture man's presence.

"The Saturday of the murder Shirley and I drove down to Broad and Marietta streets in his wagon. We had delivered a bureau to a Mrs. Holloway on Bellwood avenue. We stopped near the corner and Shirley said he wanted me to hold the horse while he went to the pencil factory, where he had a date, he said, with

‘Hattie,’ the pet name for Mary Phagan.” Fisher paused and Shirley was on his feet in an instant.

### **Called “Liar and Bum.”**

You’re a measly liar and I’ll prove it, you drunken ‘bum,” shouted Shirley, his eyes lighting up with a dangerous fire. “Why don’t you tell the truth and quit lying?” Shirley, half mad with rage, was almost dragged into his chair by Charley Graham, his attorney.

Fisher was told to continue.

“I waited about an hour and a half for Shirley,” started the man again, his eyes roaming about the room, as though in search for a place he could look where no eyes would catch his gaze. “He got back between 2:30 and 3 o’clock.”

“‘I’ve played hell in general,’ he said to me. Then he said I had better get out of town.”

Fisher again paused, and looking Shirley straight in the eyes for the first time, said:

“That’s straight. Mr. Shirley, and if you’ll tell the truth you’ll admit it.”

Once more Shirley arose in a threatening attitude, but took his seat again.

“I didn’t want to get out of town and told Shirley so, but he threatened me and said I would have to get out. We drove to the Union Depot and he purchased me a ticket for Ellijay. He gave me \$25. He went in the car with me and left me. If I hadn’t have been afraid of him I wouldn’t have gone away. I stayed in Ellijay two weeks then came back to Atlanta.

### **Tells of Threats.**

“I stayed here two weeks then went to Copper Hill, Tenn., because Shirley wanted me to and because he threatened me.

You know you threatened me Shirley—you know you did,” and the strange man shook his head in a dogged manner.”

“Shirley sent me some letters with money in them. Two he sent contained \$25 each. Another one contained \$8.”

“I’ve told the truth and it’d all come out sooner or later,” declared Fisher with the air of a philosopher.

Efforts to shake the mans’ story were without results. He would answer most any question in an unconcerned way and refused to be tangled up by the questions put to him by Graham, the chief and by reporters.

“You are telling a most wondrous tale,” said Graham, “but you had better tell the truth before you get sent to jail for criminal libel.”

### **Denies Using Drugs.**

“I know what libel is retorted Fisher, “and you can’t send a man to prison for telling the truth.”

“What Kind of dope do you use, morphine or cocaine?” someone “shot” at him.

“None,” said Fisher.

“You look like you did,” said one of the detectives.

“That’s because I need a drink—got one?” he replied.

And undoubtedly, he did need one.

He had been given all the whisky he wanted while in the hands of the attorneys, and was reluctant to leave such a nice abode. His face needed a hour’s work by a barber and a bath would not have harmed him.

### **Chummy or Rummy?**

Fisher said that while in Parksville he met a man by the name of Joe Hicks, who was employed on the rail road with him and that they became quite “chummy.”

"You mean 'rummy,' don't you, Fisher?" interposed Shirley's brother.

Fisher went on to say that Hicks went to Birmingham with him some weeks ago and that they had stayed together there. Hicks, he said, was the first person he ever told the story of his movements on the day of the murder of Mary Phagan. He never even had told his wife.

"You know that all she wants is to keep me in jail, don't you?" he asked, addressing the Shirley brothers.

"Well, I just let drop a hint or two at first. I told him that they didn't have the murderer of Mary Phagan and that I knew who the real murderer was. He told me that I ought to tell if I knew. Then I went on to tell him the whole thing just as I have told it here. After he had kept telling me that I ought not to let an innocent man hang, it just kind of got on my conscience. Finally, he went with me Friday to Chief Bodeker's office and we told the whole thing."

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"Who did the most talking?" inquired Chief Lanford.

"Why, I guess Hicks did," said Fisher.

After the questioning of Fisher was over, Lanford said.

### **Search for Conspiracy.**

"We are going to get at the bottom of this. It may be that Fisher has been paid money, but I am going to investigate the possibility that it was someone else and not Shirley that paid it to him. If there is any conspiracy against Shirley or in behalf of

anyone else, the detective department proposes to find it out if possible. Fisher has absolutely no evidence that money was sent him. He has no envelopes from Shirley. He says he tore them up. He says the letters were not registered, and he says that all of the money was sent in cash. Altogether it is the most ridiculous story I ever listened to."

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## **PDF PAGE 4, COLUMN 1**

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### **"MAN HIGHER UP" SOUGHT IN FISHER "PLOT"**

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*Thirty Affidavits Against New  
Frank Trial*  
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## **PDF PAGE 4, COLUMN 3**

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# **TWO JURORS**

# **DEFENDE D OF BIAS**

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**Probity of Henslee  
and John-  
ning Upheld—  
Influence of  
Cheering on Jury  
Denied**

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Some 30 affidavits to support the State's contention that Leo M. Frank had a fair trial were made public Tuesday by Solicitor Dorsey. They will be used Wednesday in the fight against the defense's motion for a new trial before Judge L. S. Roan.

Some of the affidavits defend the probity and character of A. H. Henslee and M. Jochenning, jurors who were accused of bias; some attack the trustworthiness of affiants for the defense, and others assert that no influence could have been exerted on the jury by the "cheering" and "demonstrations" on which the defense is basing much of its theme of appeal.

Samuel Aaron, whose affidavit was quoted as attacking the sincerity of Juror Henslee, was himself attacked by T. M. Webb, whose impeachment was in the usual form, that he would not believe Aaron on his oath, having known him many years.

### **Calls Neill Bad Character.**

W. P. Neill, the defense's affiant, who stated he saw a spectator "talk one of the jurors and grab him by the hand," is referred to in the affidavit of W. J. Clayton, of the Central Carriage Company, as of bad character and one whom Clayton would not believe under oath.

Plennie Miner, Deputy Sheriff, also refers to the affidavit of Neill. He states, under oath, that one day in the courtroom he thought he saw a spectator say something to a juror, without rising, or touching him, or making any other gesture. He (Miner) at once went to the spectator, in order to take him before the judge, but the man denied having addressed any juror, and another man, sitting next him, also assured Miner that his companion had not spoken to any juror, so the deputy let the incident close.

T. S. Hawes, of Bainbridge, Ga., impeached R. G. Gremmer, stating that he had known the defense's affiant twenty years and that he would not believe him under oath.

### **Time Element Enters.**

In the interval of preparing the affidavits Mr. Dorsey stated that he fancied those affiants who had sworn to hearing Henslee say Barnesville "some time in June" that he had been drawn on the jury would be puzzled on hearing that Henslee, as a matter of fact, did not know himself that he was drawn on the jury until Friday, June 25, at 5 o'clock in the afternoon; that he remained in Atlanta Saturday and Sunday, and did not start for home until Monday.

The Solicitor evidently had been calculating on the various dates on which Henslee might have been charged with saying he was "on the Frank jury," but what deductions he had made would have to appear later.

For the rest of the prosecution's affidavits, Henslee praised Johenning as a juror without bias or prejudice: Johenning praised Henslee in similar terms, and J. T. Ozburn, F. E. Winburn, W. F. Medcalf, W. M. Jeffries, D. Townsend and A. L. Wisley, fellow jurors, commended both Henslee and Johenning as high-minded examples of justice and moderation.

### **Henslee Doubtful of Guilt.**

It was the invariable testimony of his fellow jurors that Henslee was the only juror to cast a "doubtful" ballot, indicating that he was the most reluctant to make up his mind on what all the rest of the jurors seemed to have agreed on.

There was much testimony in regard to the cheering and "demonstrations," attending to show that the

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**Continued on Page 4, Column 1.**

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**PDF PAGE 18, COLUMN 1**

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**AFFIDAVITS  
HIT  
FRANK'S  
PLEA  
FOR  
RETRIAL**

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**Thirty Witnesses Swear  
to Good**

# **Character of Accused Jurors And Deny Influence on Jury.**

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**Continued From Page 1.**

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only cheering recognized as such was heard in open court, until the last day of the trial, when a burst of applause followed the reading of the verdict and was heard by the jurors as the poll was being taken.

The jurors all professed to have been utterly ignorant of any cheering except what was stated, and insisted that what they heard could not have had any effect upon their decision since it had been reached before the real cheering was heard.

## **Heard No demonstration.**

As to the demonstrations in favor of Dorsey, there were a dozen affidavits by jurors and deputies to say that the jury was at such a distance, or in such a place, that only a confused and indistinct noise was heard. One or two of the jurors fancied at the time that there was a fight in progress somewhere.

C. F. Huber and A. F. Pennington, deputies having charge of the Frank jury, contradicted the affidavit of Samson Kay for the defense, and stated they heard no cheering or demonstration of any kind the afternoon of Friday, August 22, or after the noon hour Saturday, August 23.

Perhaps the most interesting reading in the pile was Johenning's own account of the conversation related by Mrs.

Jennie G. Lovenhart and Miss Miriam Lovenhart, in the course of which it was charged that he stated a belief in Frank's guilt.

Johenning asserts in his affidavit that he was talking of the case with Mrs. Lovenhart and Miss Lovenhart, and they asked him what he thought of it.

"I replied that by the papers they have found him guilty already," says Johenning, "and added that I thought Frank would have a hard time getting loose; that things didn't look very bright for him."

### **Expressed No Opinion.**

Johenning insists that he said no more than that, and that he entertained no fixed opinion at that time, and did not arrive at a fixed opinion until hearing the full evidence in court.

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**PDF PAGE 4, COLUMN 8**

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**JOE  
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**PDF PAGE 10, COLUMN 1**

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# **UNDER FIERCE GRILLING OF LAWYER AND POLICE**

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**Continued From Page 1.**

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**Shirley Isn't Held.**

Because of the positive statements contained in the first announcement of Fisher's story and the terrible charge against Shirley that was implied in its words, some possibility existed that Shirley might be held at the police station until the story had been investigated.

So many glaring improbabilities and conflicts, however, crept into the man's narrative that Chief Lanford declared that he couldn't think of holding Shirley on the strength of Fisher's story, which he branded manifestly impossible.

The trip to No. 132 Bellwood Avenue developed one of the reasons for disbelief in Fisher's statement. Mrs. William Holloway lives here. Fisher said that he went in a wagon with Shirley to this house the morning of April 28 to deliver a dresser. When the officers and Fisher drove up to the house Monday night, Mrs. Holloway declared that Fisher and Shirley never had delivered anything there, and that she had not bought a dresser for years. This blow to his tale did not daunt Fisher in the least. He still stuck to his assertion that they went there that morning and delivered the furniture.

Another of his statements which gave tangible cause for disbelief was that he had seen no crowd on the streets April 26, which was Memorial Day, either while he was waiting at Marietta and Forsyth streets from about 1 until 3 o'clock in the afternoon or while he and Shirley, according to his story, were driving across Peachtree street and down Decatur street and then to the Union Station.

He said that he noticed no crowd on the streets at all other than would naturally be on any Saturday afternoon. The progress of his wagon never was stopped at any time he was driving from one place to another. It is claimed that this alone brands his story as ridiculous, as there were large crowds on the street.

Still another discrepancy which the police say is in his story is that he first said that he met C. W. Burke, agent for Attorney Luther Rosser, on Friday night in Birmingham. Before the

detectives he declared that the first time he saw Burke was last Saturday night when Burke met him on the street and brought him to Atlanta. Burke also is declared to have said that he met Fisher first on Friday night.

### **Burke Did Talking.**

Fisher was questioned very closely about who had talked to him in Luther Rosser's office. He said that Rosser and Reuben Arnold had not talked to him at all, but that Burke had done most of the examination. "They told me up there that I would have a hard time down there if the detectives got hold of me," he naively told Langford.

Fisher gave all of his replies in a calm, almost disinterested voice. When he charged Shirley with going to the pencil factory to meet Mary Phagan, he jeered his thumb carelessly toward Shirley who sat the other side of a table.

"You did it; you know you did it," he said to Shirley.

"You lie, you skunk; you know d—well you lie!" retorted Shirley, and he started from his chair in a menacing manner. Detectives grabbed Shirley and averted a fight."

This dramatic scene was enacted when Shirley was brought to headquarters to face his accuser. Quiet was restored and Fisher was ordered to tell his story in the furniture man's presence.

"The Saturday of the murder Shirley and I drove down to Broad and Marietta streets in his wagon. We had delivered a bureau to a Mrs. Holloway on Bellwood Avenue. We stopped near the corner and Shirley said he wanted me to hold the horse while he went to the pencil factory, where he had a date, he said, with 'Hattie,' the pet name for Mary Phagan." Fisher paused and Shirley was on his feet in an instant.

### **Called "Liar and Bum."**

"You're a measly liar and I'll prove it, you drunken 'bum,'" shouted Shirley, his eyes lighting up with a dangerous fire. "Why don't you tell the truth and quit lying?" Shirley, half mad with rage, was almost dragged into his chair by Charley Graham, his attorney.

Fisher was told to continue.

"I waited about an hour and a half for Shirley," started the man again, his eyes roaming about the room, as though in search for a place he could look where no eyes would catch his gaze. "He got back between 2:30 and 3 o'clock."

"'I've played hell in general,' he said to me. Then he said I had better get out of town."

Fisher again paused, and looking Shirley straight in the eyes for the first time, said:

"That's straight. Mr. Shirley, and if you'll tell the truth you'll admit it."

Once more Shirley arose in a threatening attitude, but took his seat again.

"I didn't want to get out of town and told Shirley so, but he threatened me and said I would have to get out. We drove to the Union Depot and he purchased me a ticket for Ellijay. He gave me \$25. He went in the car with me and left me. If I hadn't have been afraid of him I wouldn't have gone away. I stayed in Ellijay two weeks then came back to Atlanta."

"I stayed here two weeks then went to Copper Hill, Tenn., because Shirley wanted me to and because he threatened me. You know you threatened me Shirley—you know you did," and the strange man shook his head in a dogged manner."

"Shirley sent me some letters with money in them. Two he sent contained \$25 each. Another one contained \$8."

"I've told the truth and it'd all come out sooner or later," declared Fisher with the air of a philosopher.

Efforts to shake the mans' story were without results. He would answer most any question in an unconcerned way and refused to be tangled up by the questions put to him by Graham, the chief and by reporters.

"You are telling a most wondrous tale," said Graham, "but you had better tell the truth before you get sent to jail for criminal libel."

### **Denies Using Drugs.**

"I know what libel is retorted Fisher, "and you can't send a man to prison for telling the truth."

"What Kind of dope do you use, morphine or cocaine?" someone "shot" at him.

"None," said Fisher.

"You look like you did," said one of the detectives.

"That's because I need a drink—got one?" he replied.

And undoubtedly, he did need one. He had been given all the whisky he wanted while in the hands of the attorneys, and was reluctant to leave such a nice abode. His face needed a hour's work by a barber and a bath would not have harmed him.

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# **PDF PAGE 5, COLUMNS 1 & 5**

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## **PDF PAGE 5, COLUMN 1**

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### **MAYOR TAKES PART OF STRIKING MILL WORKERS**

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*New Trial For Frank Opposed in Thirty  
Affidavits*  
.....

# **FISHER'S 'ACCOMPLICE' SOUGHT**

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**PDF PAGE 5, COLUMN 5**

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**TWO  
JURORS  
DEFENDE  
D**

# OF BIAS

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## **Probity of Henslee and Johen- ning Upheld— Influence of Cheering on Jury Denied**

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Some 30 affidavits to support the State's contention that Leo M. Frank had a fair trial were made public Tuesday by Solicitor Dorsey. They will be used Wednesday in the fight against the defense's motion for a new trial before Judge L. S. Roan.

Some of the affidavits defend the probity and character of A. H. Henslee and M. Johenning, jurors who were accused of bias; some attack the trustworthiness of affiants for the defense, and others assert that no influence could have been exerted on the jury by the "cheering" and "demonstrations" on which the defense is basing much of its theme of appeal.



Samuel Aaron, whose affidavit was quoted as attacking the sincerity of Juror Henslee, was himself attacked by T. M. Webb, whose impeachment was in the usual form, that he would not believe Aaron on his oath, having known him many years.

### **Calls Neill Bad Character.**

W. P. Neill, the defense's affiant, who stated he saw a spectator "talk one of the jurors and grab him by the hand," is referred to in the affidavit of W. J. Clayton, of the Central Carriage Company, as of bad character and one whom Clayton would not believe under oath.

Plennie Miner, Deputy Sheriff, also refers to the affidavit of Neill. He states, under oath, that one day in the courtroom he thought he saw a spectator say something to a juror, without rising, or touching him, or making any other gesture. He (Miner) at once went to the spectator, in order to take him before the judge, but the man denied having addressed any juror, and another man, sitting next him, also assured Miner that his companion had not spoken to any juror, so the deputy let the incident close.

T. S. Hawes, of Bainbridge, Ga., impeached R. G. Gremmer, stating that he had known the defense's affiant twenty years and that he would not believe him under oath.

### **Time Element Enters.**

In the interval of preparing the affidavits Mr. Dorsey stated that he fancied those affiants who had sworn to hearing Henslee say Barnesville "some time in June" that he had been drawn on the jury would be puzzled on hearing that Henslee, as a matter of fact, did not know himself that he was drawn on the jury until Friday, June 25, at 5 o'clock in the afternoon; that he remained in Atlanta Saturday and Sunday, and did not start for home until Monday.

The Solicitor evidently had been calculating on the various dates on which Henslee might have been charged with saying he

was “on the Frank jury,” but what deductions he had made would have to appear later.

For the rest of the prosecution’s affidavits, Henslee praised Johenning as a juror without bias or prejudice: Johenning praised Henslee in similar terms, and J. T. Ozburn, F. E. Winburn, W. F. Medcalf, W. M. Jeffries, D. Townsend and A. L. Wisley, fellow jurors, commended both Henslee and Johenning as high-minded examples of justice and moderation.

### **Henslee Doubtful of Guilt.**

It was the invariable testimony of his fellow jurors that Henslee was the only juror to cast a “doubtful” ballot, indicating that he was the most reluctant to make up his mind on what all the rest of the jurors seemed to have agreed on.

There was much testimony in regard to the cheering and “demonstrations,” attending to show that the

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**Continued on Page 4, Column 1.**

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**PDF PAGE 18, COLUMN 1**

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**AFFIDAVITS  
HIT**

# **FRANK'S PLEA FOR RETRIAL**

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**Thirty Witnesses Swear  
to Good**

**Character of Accused  
Jurors**

**And Deny Influence on  
Jury.**

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**Continued From Page 1.**

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only cheering recognized as such was heard in open court, until the last day of the trial, when a burst of applause followed the reading of the verdict and was heard by the jurors as the poll was being taken.

The jurors all professed to have been utterly ignorant of any cheering except what was stated, and insisted that what they heard could not have had any effect upon their decision since it had been reached before the real cheering was heard.

**Heard No demonstration.**

As to the demonstrations in favor of Dorsey, there were a dozen affidavits by jurors and deputies to say that the jury was at such a distance, or in such a place, that only a confused and indistinct noise was heard. One or two of the jurors fancied at the time that there was a fight in progress somewhere.

C. F. Huber and A. F. Pennington, deputies having charge of the Frank jury, contradicted the affidavit of Samson Kay for the defense, and stated they heard no cheering or demonstration of any kind the afternoon of Friday, August 22, or after the noon hour Saturday, August 23.

Perhaps the most interesting reading in the pile was Jochenning's own account of the conversation related by Mrs. Jennie G. Lovenhart and Miss Miriam Lovenhart, in the course of which it was charged that he stated a belief in Frank's guilt.

Jochenning asserts in his affidavit that he was talking of the case with Mrs. Lovenhart and Miss Lovenhart, and they asked him what he thought of it.

"I replied that by the papers they have found him guilty already," says Jochenning, "and added that I thought Frank would have a hard time getting loose; that things didn't look very bright for him."

**Expressed No Opinion.**

Johanning insists that he said no more than that, and that he entertained no fixed opinion at that time, and did not arrive at a fixed opinion until hearing the full evidence in court.

T. W. McGarity came to the support of Joehanning's character, declaring it good, and asserting he would believe him on oath. Similar affidavits, all warmly worded, were made by Dr. W. C. Robinson, O. H. Puckett and R. N. Weaver.

Quite an array of complimentary affidavits came from Barnesville to the support of A. H. Henslee. Among them were those of W. H. Howard, J. C. Collier, T. W. Cochran, P. K. Gordy, J. E. Howard and C. O. Summers, J. D. Lochridge, formerly of Douglas, Ga. Professed to know the juror well and favorably.

An inkling of some plan of the Solicitor may be hidden in a small affidavit made by Joe Murray, clerk at the New Albany Hotel, Albany, Ga. He said that A. H. Henslee was a guest at that hotel the night of June 2, and also registered there before the noon meal September 18, 1913. Of course, if Henslee was not in Albany between those dates he could not have made any statement about his chance as a salesman.

### **Arnold and Dorsey Confer.**

Reuben R. Arnold, of counsel for Frank, and Solicitor Dorsey held a conference beginning at 2 o'clock Tuesday afternoon for the purpose of coming to an agreement on the exact grounds upon which the argument for a new trial will be based. It was expected that if there were to be any conflict between the opposing attorneys it would develop on this question.

Solicitor Dorsey is known to have taken issue with the defense on a number of points as the affidavits made public Tuesday indicate. He will strenuously resist any effort on the part of Frank's lawyers to establish that there was sufficient disorder or demonstrations in the courtroom at any time either unduly to influence or intimidate the jurors. He already has answered this charge by the affidavits denying that there was cheering in the courtroom at times specified by the defense.

Judge Roan, before whom the argument will be heard Wednesday, will be the final arbiter on the questions which remain disputed by the attorneys. The hearing is scheduled to begin at 9 o'clock in Judge Bell's court on the first floor of the old City Hall Building, Pryor and Hunter streets. Both sides are prepared to go ahead with the arguments and there appeared no probability of further delay.

**PDF PAGE 5, COLUMN 8**

**JOE  
HICKS IS  
NOW**

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# BEING SOUGHT

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**He Is the Man Who  
Went With Fisher to  
Chief of  
Police.**

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A search extending over two States was begun by the police Tuesday in an effort to locate Joe Hicks, companion of Ira W. Fisher. Hickk is the man who accompanied Fisher to the office of Chief of Police Bodeker in Birmingham when Fisher made his weird but quickly discredited accusation of the murder of Mary Phagan against J. C. Shirley, of 809 Marietta street, Atlanta.

Chief of Detectives Lanford and Charles J. Graham, attorney for Shirley, believe that they will have disclosed the deeply laid plot against Shirley, if such a plot actually has existed, when they have forced Hicks to talk and when they have grilled Fisher in a sober condition. Threats were made yesterday that two prominent

Atlantans might be arrested if any basis were found for belief in the plot theory. Later it was said that a searching investigation was being made of the possibility that a man still higher up was the moving spirit in a diabolical scheme to fasten the crime on an innocent man.

Graham was undecided Tuesday as to whether Fisher's sensational story was merely the vaporings of a disordered and crazy intellect or the outcropping of a genuine conspiracy that had gone wrong through the inability of Fisher to tell a convincing story.

"I think we all know all when we find this man Hicks, who Fisher says was his constant companion Parksville, and later in Birmingham," said Graham. "Hicks, played a mysterious part in the affair. Fisher himself admitted that Hicks did most of the talking when they went to the office of Chief Bodeker. Hicks appears to have told most of the story and Fisher merely corroborated it."

"There also is the possibility that Hicks suggested the story to Fisher from day to day, and finally built up in Fisher's mind the structure of the ridiculous tale he has told in Birmingham and here in Atlanta, a story which was startling enough as a simple, and direct accusation, but which broke down the instant the man was forced to give any alleged details."

### **Blackmail Is Suggested.**

"We are working on several possibilities. One is that there was a conspiracy against Shirley. If there was such a plot, it may have been engineered alone by Fisher. Hicks may have been a party to it. In this case, it was simple blackmail."

"There also is the possibility that Fisher or Fisher and Ricks were merely tools in a conspiracy and that the real conspirators are men higher up. If this is the case, Atlanta will have a sensation the like of which it has not experienced in years. On the other hand, the whole story may be simply the ravings of a



drunken and besotted mind. Fisher's own relatives say that he was an extraordinary liar when in his cups."

"Ordinary conditions were reversed Tuesday. Shirley, the accused, was walking the streets a free man. Fisher, the accuser, was occupying a cell in the police station. A charge of criminal libel has been preferred against him, but there is some question as to whether this charge can be made to stand in view of the fact that so far as is known Fisher made no written charges against Shirley. Lawyers in general have expressed themselves as believing that no charge beyond slander can be pre-

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**PDF PAGE 11, COLUMN 1**

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# **FISHER STICKS TO STORY**

## **UNDER FIERCE GRILLING**

### **OF LAWYER AND POLICE**

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**Continued From Page 1.**

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ferred against him because all of his charges were verbal."

Fisher will be arraigned before Justice of the Peace Puckett, probably Wednesday.

That the Fulton County Grand Jury will be asked to investigate the origin of the accusations was the statement made by Graham.

This action was decided upon following a lengthy conference between Shirley, Graham and Chief of Detectives Lanford. Its purpose will be to determine whether Fisher's story was the result of a conspiracy against Shirley or simply the result of a drink-crazed mind.

A rigid probe to the foundation of the story will be asked. Persons named by Fisher as his associates since his departure from Atlanta will be questioned, especially those with whom he had dealings just prior to the time he appeared before Chief of Police Bodeker in Birmingham and made his startling statements.

If the investigation shows that others had a hand in the accusations against the furniture dealer, they will be prosecuted together with Fisher on a conspiracy charge. Many believe that this will prove the fact.

Attorney Graham stated that he would have a conference with Solicitor Dorsey later in the day and an early date for the Grand Jury probe would be fixed.

Two Atlanta men and one Birmingham man are threatened with arrest on charges of conspiracy. A searching investigation by Chief Lanford and Attorney Graham will decide whether this move will be taken. Graham said Tuesday that he would make a decision as soon as reports had been made to him on certain rumors that had come to his ears.

Shirley said that he either would put Fisher in the asylum or in the penitentiary. He will bring his books to the police Tuesday to show a complete alibi. Lanford has instituted an investigation of the charges of conspiracy and you will make arrests at once finds them substantiated. Two of the men named in the alleged

conspiracy have been identified with the Frank case. The other one is known to have been with Fisher in Birmingham.

It was pointed out by Chief Lanford Tuesday that were Fisher's story true in every particular, there is nothing in it to connect Shirley with the murder of Mary Phagan. The name that Fisher said Shirley mentioned as that of the girl he was to meet was Hattie. Shirley asserts that he never even knew Mary Phagan by sight.

### **Fisher Locked Up.**

Fisher was put under arrest at the police station on the charge of criminal libel, the complaint being sworn to by Russell Shirley, a brother of J. C. Shirley. Short shrift was given him after he had repeated his weird story Monday night in the presence of the man he accuses.

The warrant had already been made out, and as soon as it became apparent that Fisher, said by some to be an irresponsible drunkard and dope fiend, was going to stick by his story, Chief of Detectives Lanford gave the paper to Detective John W. Starnes and Fisher was locked up.

Fisher underwent a searching examination that lasted more than three hours. His detailed story first was taken by G. C. February, secretary to Chief Lanford. Little effort was made at this time to cross-examine him, the purpose being to get his story together as he originally had told it so that every feature might later be investigated with a view of disproving or substantiating it.

Chief Lanford and Detectives Starnes and Coker then put Fisher through a severe questioning and he then was taken out in the police automobile to visit several of the places he said he had been with Shirley on the day of the crime. While he was gone S the request of Chief Lanford, came to the police station. Shirley went into the chief's office. As soon as Fisher came back he was hustled without any warning right into the room. Standing before him was the man he accused.

Fisher was taken aback for an instant, but recovered himself at once. He was placed in a chair near the chief and the questioning was resumed. Chief Lanford, Charles J. Graham, attorney for Shirley; Russell Shirley and the accused man himself took turns in firing questions at the stolid figure in the chair. Aside from a nervous movement of his hands, and a frequent stroking of his face on which there was a four days' growth of beard, he showed no sign that he was disturbed by the unusual position in which he found himself.

Because of the positive statements contained in the first announcement of Fisher's story and the terrible charge against Shirley that was implied in its words, some possibility existed that Shirley might be held at the police station until the story had been investigated.

So many glaring improbabilities and conflicts, however, crept into the man's narrative that Chief Lanford declared that he couldn't think of holding Shirley on the strength of Fisher's story, which he branded manifestly impossible.

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Fisher was questioned very closely about who had talked to him in Luther Rosser's office. He said that Rosser and Reuben Arnold had not talked to him at all, but that Burke had done most of the examination. "They told me up there that I would have a hard time down there if the detectives got hold of me," he naively told Langford.

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"You did it; you know you did it," he said to Shirley.

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the corner and Shirley said he wanted me to hold the horse while he went to the pencil factory, where he had a date, he said, with 'Hattie,' the pet name for Mary Phagan." Fisher paused and Shirley was on his feet in an instant.

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"'I've played hell in general,' he said to me. Then he said I had better get out of town."

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"That's straight. Mr. Shirley, and if you'll tell the truth you'll admit it."

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"I didn't want to get out of town and told Shirley so, but he threatened me and said I would have to get out. We drove to the Union Depot and he purchased me a ticket for Ellijay. He gave me \$25. He went in the car with me and left me. If I hadn't have been afraid of him I wouldn't have gone away. I stayed in Ellijay two weeks then came back to Atlanta.

### **Tells of Threats.**

"I stayed here two weeks then went to Copper Hill, Tenn., because Shirley wanted me to and because he threatened me. You know you threatened me Shirley—you know you did," and the strange man shook his head in a dogged manner."

"Shirley sent me some letters with money in them. Two he sent contained \$25 each. Another one contained \$8."

"I've told the truth and it'd all come out sooner or later," declared Fisher with the air of a philosopher.

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"You are telling a most wondrous tale," said Graham, "but you had better tell the truth before you get sent to jail for criminal libel."

### **Denies Using Drugs.**

"I know what libel is retorted Fisher, "and you can't send a man to prison for telling the truth."

"What Kind of dope do you use, morphine or cocaine?" someone "shot" at him.

"None," said Fisher.

"You look like you did," said one of the detectives.

"That's because I need a drink—got one?" he replied.

And undoubtedly, he did need one.

He had been given all the whisky he wanted while in the hands of the attorneys, and was reluctant to leave such a nice abode. His face needed a hour's work by a barber and a bath would not have harmed him.

### **Chummy or Rummy?**

Fisher said that while in Parksville he met a man by the name of Joe Hicks, who was employed on the rail road with him and that they became quite “chummy.”

“You mean ‘rummy,’ don’t you, Fisher?” interposed Shirley’s brother.

Fisher went on to say that Hicks went to Birmingham with him some weeks ago and that they had stayed together there. Hicks, he said, was the first person he ever told the story of his movements on the day of the murder of Mary Phagan. He never even had told his wife.

“You know that all she wants is to keep me in jail, don’t you?” he asked, addressing the Shirley brothers.

“Well, I just let drop a hint or two at first. I told him that they didn’t have the murderer of Mary Phagan and that I knew who the real murderer was. He told me that I ought to tell if I knew. Then I went on to tell him the whole thing just as I have told it here. After he had kept telling me that I ought not to let an innocent man hang, it just kind of got on my conscience. Finally, he went with me Friday to Chief Bodeker’s office and we told the whole thing.”

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“Who did the most talking?” inquired Chief Lanford.

“Why, I guess Hicks did,” said Fisher.

After the questioning of Fisher was over, Lanford said.

### **Search for Conspiracy.**



“We are going to get at the bottom of this. It may be that Fisher has been paid money, but I am going to investigate the possibility that it was someone else and not Shirley that paid it to him. If there is any conspiracy against Shirley or in behalf of anyone else, the detective department proposes to find it out if possible. Fisher has absolutely no evidence that money was sent him. He has no envelopes from Shirley. He says he tore them up. He says the letters were not registered, and he says that all of the money was sent in cash. Altogether it is the most ridiculous story I ever listened to.”

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## **PDF PAGE 6, COLUMNS 1 & 7**

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<b>POLICE GET FISHER, FRANK WITNESS</b>
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**PDF PAGE 6, COLUMN 7**

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**MERCHANT VOWS  
TO  
  
PROSECUTE  
FISHER**

# TO LAW'S FULL LIMIT

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Ira W. Fisher, whose story attempted to involve J. C. Shirley, a respected Marietta street merchant, in the Phagan case, was turned over to the police authorities late Monday afternoon. Attorney Rosser notified Chief of Detectives Lanford that he was ready to give the "witness" up. Detective Eugene Coker was dispatched to the attorney's office immediately. Fisher was taken to the police station and will be subjected to a rigid cross-examination Monday night.

Fisher reiterated before a crowd of newspaper men and detectives his startling story.

Despite Shirley's denial of every accusation made by Fisher, the man persisted in his accusations. He went into detail, going even so far as naming the amounts of money which he said Shirley had sent him at various times and giving the towns which he visited. However, he had no documents to support him and none who heard the story believed.

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That he will prosecute Ira W. Fisher, who names him as the principal in his sensational story of the Phagan murder, to the fullest extent the law allows, was the declaration made to a Georgian reporter late Monday afternoon by J. C. Shirley, the well-known and respected Marietta street merchant. He was retained C. J. Graham, a lawyer who has already figured in the Frank case, to represent him.

"The whole story is a joke," said Mr. Shirley. "But I will investigate the law and determine how I may prosecute this man for this abominable fairy tale."

J. C. Shirley said he did not even know where the National Pencil Factory was until he read of the Phagan case in the newspapers. He declared that he knew none of the girls employed there, except that he had heard that two girls who lived across the street were employed at the plant.

Fisher, in Luther Rosser's office, stuck to his story, but very little credence was attached to it by anybody.

Fisher, according to report, declared that Shirley had met him on the street on the afternoon of the murder and had declared that he had met Mary Phagan and "played hell."

When informed of this statement, the furniture man laughed.

"Why the man is crazy" he said.

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Identification of the accused man was made public Monday afternoon. It came from Birmingham, where Fisher first made his sensational statements. The man is well known in business circles of Atlanta. He declared that he was not aware that he was the one referred to until he was approached Monday.

Mr. Shirley could not ascribe any reason for Fisher having brought the charge of murder against him unless he was demented.

"Why, I don't recall having talked with Fisher since he left his Marietta street home," said Mr. Shirley. "The only time I saw much of him was when he loafed around the store. I don't recall having ever discussed the Phagan case with him."

Mr. Shirley denied having ever delivered furniture at the home of J. W. Coleman, stepfather of Mary Phagan, with Fisher.

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Charged by his wife with being a raving drunkard; wanted by the police, who give him a long court record, believed by Probation Officer Coogler to be demented as a result of accusations of murder made against himself, I .W Fisher, the accuser of a prominent Atlanta man in the Phagan case, was

confronted Monday by a general disposition to ridicule his story and the threatened collapse of a sensation.

Kept a prisoner in the office of Luther Z. Rosser, while the police waited to arrest him, Fisher continued to be inaccessible to newspaper men, but various investigations of his record bared facts that threw a dark cloud on his reliability.

Detectives continued their vigil on the ground floor of the Grant Building ready to arrest Fisher as soon as he made his appearance. In the meanwhile the Frank lawyers kept on investigating his story and seemed determined to hold their man a strict prisoner until they were entirely through with him.

"I am not acting sponsor for Fisher or for Fisher's story," declared Mr. Rosser, at his office Monday. "We want to keep the man for a few hours longer, and then if the police would like to have him they are welcome to him."

"Do you believe Fisher's story?" questioned a Georgian reporter.

"I have said my say," exclaimed the attorney.

"Can I talk to Fisher?" the reporter asked.

"You can—when I get through with him," said Rosser, and he strode away in the direction of his office door.

A police officer stated positively Monday noon that the Frank attorneys "prisoner" would be arrested and taken to headquarters as soon as he was taken from Rosser's office.

None of the officers has had a look at Fisher, and it is doubtful whether or not they will get him if he should try to walk out of the Grand building. Since he was taken to the office of Rosser yesterday morning he has been given a shave and an overcoat. A pint of whisky was also seen to have been taken into Fisher's "cell."

The arrival of Chief of Police Beavers in Rosser's office Monday noon created quite a bit of excitement. Chief Beavers

however, went into the private office of Rosser where the arguments in the Whitehall street injunction were being heard.

Mr. Coogler's opinion was contingent on the identity of an I. W. Fish-

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## **PDF PAGE 12, COLUMN 1**

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# **FISHER IS DERANGED BY AN OLD MURDER CHARGE, THINKS OFFICER COOGLER**

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**Continued From Page 1.**

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er Coogler has had before him many times and that of the Fisher who has been virtually a prisoner in the Grant Building being the same.

Coogler said Monday that Fisher was tried several years ago for the murder of his wife's brother. He was acquitted, but it is known that a suspicion that he was guilty still rested in the mind of his wife, and that she frequently had charged him with the crime. These accusations are believed by Coogler to have unsettled Fisher's mind, a condition which perhaps has been augmented by the use of drugs.

The "Fisher" Coogler has had before him lived at No. 797 Marietta street. An investigation of his record has disclosed that the man was placed on probation November 24 of last year charged with being drunk and disorderly and abusing his wife. He obtained employment and contributed to the support of his wife and children through the probation officer.

Fisher was before Coogler again on Christmas, and this time he was given employment with the Christian Helpers' League. He could not say good and February 21 he was arrested again, charged with striking and otherwise mistreating his wife. He was bound over to the State Court under bond of \$200. He obtained his release only to offend in the same respect again. A peace warrant was issued, and he stayed in jail two days last May, and soon afterward he disappeared from the city.

Coogler received a letter from him last May, postmarked in Parksville, Tenn. He asked that his trunk be sent him. That was the last Coogler heard of him until Fisher's sensational story appeared in the Sunday papers.

Here is Fisher's probation record:

He was arrested and put on probation November 24, 1912. The charge was abusing and mistreating his wife while drinking, December 24, he violated his parole, drinking and again being arrested. He promised better behavior, and was continued on probation, staying at the Christian Helpers' League on Decatur street.

February 22, 1913, Fisher yielded once more. Intoxicated, he went to his wife's home and beat her. He was arrested and bound over in police court under a \$200 bond, which he furnished.

May 15 his wife applied for a peace warrant, under which Fisher was arrested and detained two days, finally giving bond. Then he disappeared May 28 Coogler received a letter from Fisher postmarked Parkville, Tenn., requesting his truck, which he had left in the Christian Helpers' League.

That closed that part of the official record of Fisher in Atlanta.

### **Mind Broken by Drink.**

Grave discredit was cast on Fisher's story by Mrs. Annie Fisher, his wife, of No. 734 Marietta street, who asserted firmly that she believed the tale of a "business man's confession" of the crime was the fabrication of a mind broken down by drink, perhaps by drugs.

"My husband is a confirmed drunkard," Mrs. Fisher regretfully admitted. "He is at times without any responsibility for his words or actions. He was once tried on a lunacy writ taken out by his brother, a business man of Rome, Ga. They declared him sane at the time, but put him on probation. I have an idea he uses morphine. He left me August 12."

Both Stallings and his wife declare Fisher is utterly irresponsible. His sister said she would not believe any statement he might make, while her husband recounted some strange stories he said Fisher had told him at different times.

"He told them with no straight a face that I almost believed him," Stallings said, "but afterward I always found them to be untrue."

### **Believed Frank Innocent.**

As to Fisher's knowledge of the Phagan case, Mrs. Fisher said that only once did her husband say anything that might have been taken as evidence that he knew something. One night while reading the newspaper accounts of the arrest Fisher said:

"They haven't got the guilty man. Frank didn't murder Mary Phagan."

Mrs. Fisher also denied that her husband had left Atlanta immediately after the murder of the little girl, as he said.

“He lived with here until August 12,” she stated, “and then he went away because I had filed a petition asking divorce and alimony. He went away to keep the papers from being served.”

Mrs. Fisher was very candid and unreserved in talking the affairs of her husband and herself.

They were married, she said, in Dalton, Ga., thirteen years ago, and lived there until they moved to Atlanta three years ago.

### **Maniac When Drinking.**

“My husband has long been a drinking man,” Mrs. Fisher said. “When sober I believe he was perfectly rational, but when drinking—I don’t know just how to express it. He was nearly a maniac. More than once he threatened to shoot me. I had to have him arrested less than a year ago because he was threatening my life.”

“I was going to sue him for divorce then, but Officer Clarke, a friend of his, took his part and begged me not to. I consented, and he was put on probation. Officer Coogler, I believe it was, kept him on the probation list four months. But it was no use at all.”

Since Fisher went away to avoid the service of the divorce papers, his wife has been taking boarders and sewing to support herself and their two children. Fisher wrote to her from Parkville, Tenn., she said, and again from a suburb of Birmingham. He wanted to return and live with her, Mrs. Fisher said, but she did not answer the letters.

Then Mrs. Fisher told of a happening the morning after the murder was committed.

“It was Sunday,” she said, “and just after breakfast we went to a drug store about a block away. On our way back we met a man I didn’t know. He stopped my husband and said: ‘Fisher, I’ve got something to tell you.’”

### **Went to Factory.**



“Mr. Fisher stopped and talked with him and I went on home. Later, he came home and told me the man told him a girl had been killed at the pencil factory. He seemed to be quite curious about the crime. He and I went and we took our little girl, Evelyn, and Miss Lille Embree, a young woman who was boarding with us.”

“We couldn’t go all over the factory, but I didn’t think my husband seemed at all nervous or acted unusual. He did read a lot about the case. I noticed that. And some time after that I missed my diary that I kept to set down almost everything I did. I don’t know that he took it, however.”

Reporters, who had trailed Fisher from Birmingham, from where he was brought to Atlanta by C. W. Burke, an agent for Attorney Rosser, were on constant duty ready to resume the chase in the event that any new move was made by Frank’s lawyers or there appeared an endeavor to hide him away. The vigilance of an entire day and a night resulted in only the sensational statement of the quasi-prisoner which was forecast very closely by The Sunday American. This statement was given out late in the afternoon by Attorney Rosser. Rosser would not reveal the name of the prominent man charged. He said that his identity must remain a mystery for a time at least. The only clew he furnished was that the man was fairly prominent.

“I do not want to use the name of the man,” said Rosser, “and thus possibly to do him an injustice. I will tell everything in the world except the name of the man.”

“The man who has just told his story to us is I. W. Fisher. He once lived here and left e about the time of the murder of Mary Phagan, and since then has lived in North Georgia, Tennessee and Birmingham. He now lives in Birmingham.”

“Without our knowledge or instigation, he went to the Chief of Police in Birmingham, George H. Bodeker, and asserted that Frank was innocent, and that he had known of his innocence all

the time, but that he didn't think Frank would be convicted, and therefore had kept his silence about the real murderer."

"He said that he met the man who committed the crime on Saturday, April 26, and that this man told him he was going to meet Mary Phagan in the pencil factory at noon. Fisher said that when the man came factory he said: 'I raised h—I in there and you have got to get out of town.'"

"Since that time Fisher says that this man, who is well to do and established in business here, has been paying his expenses wherever he went."

"Whether Fisher's story is true or false we do not know. We are not giving it out as fact, but merely as one of the numerous stories which have come to our ears during the investigation of the crime. We would have said nothing about it if the newspapers had not come out yesterday telling of Fisher's walking into the office of the Chief of Police in Birmingham. We do not take any stock in it one way or another as yet. But we are going to investigate it thoroughly and find whether or not if it is true."

### **Police Told Name.**

"We have told the detectives something when we have not told the public. We have told them the name of the man Fisher accuses, and have incited them to work with us on our investigation. There is such a man as the one Fisher names, and he is well known. Fisher is a married man, and has several children. They are in Atlanta."

Solicitor Dorsey, Frank A. Hooper, who assisted the Solicitor in the Frank trial, and members of the detective department appeared not at all impressed by Fisher's story Monday. "I think he's telling a lie, pure and simple," said Mr. Hooper when he was asked his opinion.

Chief Lanford laughed at the story and said it was his belief that Fisher was out in town at the time of the Phagan murder. Fisher is the same man, he thinks, that testified some ago against

Griff Freeman, who was arrested on a blind tiger charge, and then disappeared from town after Freeman was bound over Fisher was not on hand to testify in the State trial.

Mrs. Fischer acted as a sleuth and obtained much of the evidence that resulted in the prosecution of Freeman. She testified at the trial that Fisher pawned her shoes and sold their chickens to get liquor from Freeman. Fisher admitted that he had bought liquor many times from the defendant.

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## **PDF PAGE 7, COLUMN 1**

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# ***Shirley Declares Books***

# ***Will Furnish Him Alibi***

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"I can not say offhand just what I did on that day, but my books will show my whereabouts."

"I have not taken the time to look this up yet, as I attach such little importance to the statement and accusations of that drunken bum Fisher."

"I first knew Fisher in 1911, when he moved next door to my shop here. He came over here and I sold him, on time, a large quantity of furniture. He fooled around about the bill, did little work and much drinking, and finally in 1912 I went over and told him I would have to bring the furniture back to my place.

"His wife came to me and said that if I would change the account to her, she would pay the bill. She said that if she paid it and left the furniture in her husband's name he would steal it and sell it to buy whisky."

### **Wife Got Furniture.**

Shirley's friends nodded their approval.

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The crowd around the popular furniture dealer knew all about Fisher and many admitted that he had stung them for small amounts.

"Along in August of this year, a long time after Mary Phagan was murdered, I saw Fisher and he paid the dollar. He was wearing good clothes and had money and he apologized and told me that he wanted to pay all his debts, to re-establish his good standing."

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Threats of violence against Ira Fisher were made in the neighborhood where Fisher formerly lived and where “Charley” Shirley is liked by everyone. Should Fisher fall into the hands of these residents, there is liable to be a manhandling part in the 700 and 800 block of Marietta street.

That Fisher has a regulation for a being a drunkard and tale bearer is shown in the statements made to The Georgian Monday night by wrathful residents.

W. H. Hooten, who owns a dry goods store at No. 807 Marietta street, said:

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"I know of another time when Fisher stole his wife's shoes so that he could buy drink with the money he got by selling them."

"Fisher is the man who the papers wrote up last spring in connection with the 'mouse-colored mule,' when he claimed two men asked him to ride in their wagon. Fisher said the men robbed him of his pay. Later he said that he just claimed he was robbed so he wouldn't have to give his money to his wife."

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D.R. Dunbar, 800 Marietta, said:

"I wouldn't believe that drunken tramp on oath. He has 'done' every body in this neighborhood, but you can believe that he won't show his face around here again as long as he lives."

Dr. W. D. Vincent, 57 Ponders avenue, and Samuel Deavers, 59 Hayden avenue, expressed, the same opinion.

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# FLASHLIGHT AT POLICE STATION

## PRINCIPALS IN NEW FRANK MYSTERY

**J. C. Shirley,  
The merchant  
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slayer.**

**On the left  
I. W. Fisher,  
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**PDF PAGE 8, COLUMN 3**

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story about my driving it to Bellwood avenue and later down town. Only once did I leave the store for any considerable time. Shortly after 1 o'clock, in, the afternoon I went to the Terminal Station to meet a man, who was going away on the train and who promised to pay me a bill if I would see him there. I was back in the store about 2 o'clock. I stayed there then until 8 or 9 o'clock at night, when we closed the store."

Shirley said he was prepared to go more fully into detail in a sworn statement as to his movements should it become necessary.

"I don't think that it will ever become necessary, however, for that fellow Fisher is the greatest scoundrel unhung, or else is a dangerous lunatic, " remarked the merchant with a smile.

"It's just a question of whether he ought to be in the penitentiary or the madhouse."

Explaining his acquaintanceship with Fisher, he added:

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## PDF PAGE 11, COLUMN 3

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FLASHLIGHT AT POLICE  
STATION

PRINCIPALS IN NEW FRANK  
MYSTERY

**On the left  
I. W. Fisher,  
the "mystery  
witness," is  
seen facing**

**Chief of  
Detectives  
Lanford.**

**J. C. Shirley,  
The merchant  
named by  
Fisher as  
Mary Phagan's  
slayer.**

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**PDF PAGE 11, COLUMN 3**

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***Shirley's Books  
Give Alibi;  
Accounts Hit  
Fisher's Story***

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J. C. Shirley declared to Chief of Detectives Lanford at the police station Tuesday morning, when he called there with his lawyer, Charles J. Graham, that he could easily account for his movements on the day Mary Phagan was murdered and that this would establish a complete alibi.

Shirley's statement to the chief was verbal, the latter informing him that an affidavit was wholly unnecessary, as there was no charge against him. For this same reason the merchant was not required to go into details.

Shirley explained that he has all of his books and records in use in his store on April 26, the day of the murder, and that these showed that no delivery of furniture was made at any place on Bellwood avenue on that date. This refutes the statement of Ira W. Fisher, the "mysterious accuser," that he aided Shirley that day in delivering a dresser at the Holloway home, No. 132 Bellwood avenue, and that it was there that the merchant told him of his engagement of that afternoon with "Hattie."

"I never went out in my wagon that day at all," Shirley told the chief. "I remember very well that it was an unusually busy day with us in the store, and I was kept there practically the whole of the day. I remember distinctly that both of my hired boys one white and the other a negro, got mad at me because I wouldn't let them off at 12 o'clock. It being Memorial Day they wanted to go downtown to see the parade."

### **Went to Terminal Station.**

"The negro boy, as I recollect it, drove the 'calico' mule and the wagon all day. This is the mule referred to by Fisher in his story about my driving it to Bellwood avenue and later down town. Only once did I leave the store for any considerable time. Shortly after 1 o'clock, in, the afternoon I went to the Terminal Station to meet a man, who was going away on the train and who promised to pay me a bill if I would see him there. I was back in the store about 2 o'clock. I stayed there then until 8 or 9 o'clock at night, when we closed the store."

Shirley said he was prepared to go more fully into detail in a sworn statement as to his movements should it become necessary.

“I don’t think that it will ever become necessary, however, for that fellow Fisher is the greatest scoundrel unhung, or else is a dangerous lunatic, “ remarked the merchant with a smile.

“It’s just a question of whether he ought to be in the penitentiary or the madhouse.”

Explaining his acquaintanceship with Fisher, he added:

“I first knew Fisher in 1911, when he moved next door to my shop here. He came over here and I sold him, on time, a large quantity of furniture. He fooled around about the bill, did little work and much drinking, and finally in 1912 I went over and told him I would have to bring the furniture back to my place.

“His wife came to me and said that if I would change the account to her, she would pay the bill. She said that if she paid it and left the furniture in her husband’s name, he would steal it and sell it to buy whisky.”

### **Wife Got Furniture.**

Shirley’s friends nodded their approval.

“I changed the account for her and she paid the bill and a short time later, after her husband had left town, she moved farther down the street. I didn’t see Shirley for some time, then one day he came and borrowed a dollar from me. Then it was a long time before he came around. Previous to his borrowing the dollar, he used to hang around the store.”

The crowd around the popular furniture dealer knew all about Fisher and many admitted that he had stung them for small amounts.

“Along in August of this year, a long time after Mary Phagan was murdered, I saw Fisher and he paid the dollar. He was wearing good clothes and had money and he apologized and told me that he wanted to pay all his debts, to re-establish his good standing.”

### **Calls Fisher Drunken Tramp.**

"I never knew where the pencil factory was until I read accounts of the murder in the papers and saw pictures of the building. Then one day while down town I passed by and a crowd of people were out in front and I stopped, and learned that the building was the factory where Mary Phagan had been murdered.

"Until after the murder I didn't know a soul at the factory and then I learned that two girls who live across the street here worked there."

"Fisher is a liar and a drunken tramp and nobody will believe anything he says. I will see that he goes to jail for what he has done if there is any way I can manage to send him there."

# Old Charge of Murder Is Revived.

DALTON, Oct. 21.—Suspensions of murder once held against Ira W. Fisher are to be brought up once again in a new investigation as a result of Fisher's activity in the Frank case.

Years ago, Fisher was a witness in a whisky case in Superior Court here and Judge G. G. Glenn, representing the defense, impeached him. Twelve or fifteen of the country's most responsible citizens swore on the stand that they would not believe Fisher on oath. Fisher left here soon after the death of his brother-in-law, Dug Steele.



# ***More Affidavits Filed Against Juror Henslee***

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Two more affidavits were obtained this morning by the lawyers for Frank tending to show that A. H. Henslee, a member of the trial jury, had expressed strong opinions as to the guilt of Frank before the trial.

Leon Harrison, of Atlanta, makes the statement under oath that some time in May, 1912, he was walking South on Peachtree street, and just north of Five Points he overheard Henslee and another man engaged in a very animated conversation" regarding the Frank case.

Harrison stopped, he said, and listened, being interested in anything he might learn of the famous case. He says he overheard Henslee's companion say:

"I don't believe Frank committed that murder."

To which Henslee's reply is said to have been:

"I believe he did kill the girl, and if by any chance I get on the jury that tries him I'll do my best to get him convicted."

The other sworn statement is the second affidavit of Julian A. Lehman whose first statement drew from Henslee a sharp and

sweeping denial of the charge that he had expressed a belief in Frank's guilt.

Lehman reiterates in his second statement all the assertions made in his first. He says that between the date of the murder, April 26, and the beginning of the trial, July 28, he heard Henslee on two occasions express himself as being firmly convinced of Frank's guilt. He gave the approximate dates of the expressions as June 2 and June 20.

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## **PDF PAGE 44, COLUMN 1**

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**Locked Doors Guard Witness Who Declares Leo Frank Innocent**

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## **PDF PAGE 41, COLUMN 1**

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**FISHER  
DECLARES  
HE WAS  
MENACED**

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# **Accuses Prominent Atlanta Man of Slaying Little Girl in Pencil Factory.**

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All night long headquarters detectives scouted over the Grand Building in an effort to lay hands on I. W. Fisher, now of Birmingham, formerly of Atlanta, who says Leo Frank did not kill Mary Phagan and accuses another Atlanta man of the crime, and who was held securely under lock and key in the offices of Luther Rosser on the seventh floor.

Fisher arrived in Atlanta Sunday morning. He was taken immediately to the offices of Messrs. Rosser and Arnold. He is temporarily, though voluntarily, under confinement.

His story exonerates Leo M. Frank, convicted of the Phagan murder, and accuses another Atlanta man whose name is being withheld. Attorneys Rosser and Arnold, they say, are investigating this man of their own accord. They declare they have asked headquarters detectives to assist them in the investigation. The headquarters men told the attorneys that they would use their own discretion in the matter. No investigation along that line has been put forth by the detectives up to date.

Fisher says—through Mr. Rosser and Mr. Arnold—that the rumor is false that he witnessed the murder. His story is to the effect that the man he accused, who is a former acquaintance, came to him on the morning of the crime and told of an engagement he was alleged to have had with Mary Phagan at the pencil factory.

Later in the day, Fisher says, the man came to him, and, after confiding his secret, gave Fisher an amount of money on which to leave the city, advising Fisher to depart immediately. Fisher says he acted accordingly, going to Tennessee and later to Birmingham.

He also states that the accused man has sent him liberal sums of money at intervals, always with the admonition to keep mum. Fisher's explanation of his confession is that the secret weighed so heavily on his conscience that he could hold it no longer, deciding last Friday night to pour it into the willing ears of Chief of Police Bodeker in Birmingham.

Both Mr. Arnold and Mr. Rosser say the man named in Fisher's story is still in Atlanta, that he has lived here all his life and is a man with a wife and two children. He is a man of moderate means, they say, who lives in a respectable neighborhood. They would not reveal his occupation or even the section of the city in which he resides.

Fisher's connection with the famous case has created a clash between Frank's defense and the detective department that is yet to be equaled. Late Sunday night Detectives Waggoner, Coker, Garner and John Starnes, the latter of whom is one of the two prosecutors in the Frank trial, frankly told the two attorneys that they intended holding the Birmingham man as a material witness so that they might investigate him thoroughly. That is, if they could lay hands on him.

Mr. Arnold and Mr. Rosser replied fully as frankly that the headquarters men had no opportunity to lay hands on Fisher, and that they intended keeping him locked up in order to keep the detectives from making him a real prisoner. Both men intimated that, before they would allow Fisher to fall into the hands of the detectives, they would, of their own accord, issue a warrant against him and have him jailed on their responsibility.

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